

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

EXXONMOBIL OIL CORPORATION,)
A New York Corporation,)

Plaintiff,)

v.)

Case No. 08 CV 3064

D CONSTRUCTION MANAGEMENT CO.,)
INC., an Illinois Corporation, **PT FERRO**)
CONSTRUCTION COMPANY, INC., an Illinois)
Corporation, **TRANSYSTEMS CORPORATION,**)
a Missouri Corporation, and **CONSOER**)
TOWNSEND ENVIRODYNE ENGINEERS,)
INC., a Delaware Corporation,)

Judge Norgle
Magistrate Judge Schenkier

Defendants.)

NOTICE OF MOTION

Please take notice that on Friday, August 29, 2008, at 10:30 a.m., we shall appear before the Honorable Charles R. Norgle, Room 2341, United States District Court, 219 S. Dearborn Street, Chicago, IL 60604, and then and there present **PLAINTIFF'S RULE 12(b)(6) MOTION TO DISMISS PORTIONS OF AFFIRMATIVE DEFENSES OF DEFENDANTS P.T. FERRO CONSTRUCTION COMPANY, INC. AND CONSOER TOWNSEND ENVIRODYNE ENGINEERS**, a copy of which has been served upon you.

ExxonMobil Oil Corporation

By: /s/ Frank P. Andreano
One of Its Attorneys

Frank P. Andreano
ARDC No. 6202756
Brumund, Jacobs, Hammel, Davidson & Andreano, LLC.
58 East Clinton, Ste. 200
Joliet, IL 60432
(815) 723-0628
fandreano@brumund-jacobs.com

CERTIFICATION OF SERVICE EMOC vs. D'Const.
Case No. 08 CV 3064 (N.D. IL)

I, Frank P. Andreano, an attorney on oath certify that I caused to be served a copy of the attached **EMOC's 12(B)(6) MOTION TO DISMISS** upon the following individuals, by deposit in the United States Mail at Scott Street, Joliet, Illinois 60432, postage prepaid, before the hour of 4:00 PM, messenger delivery, Federal Express, facsimile transmitted from (815) 723-1371, or electronically via the Case Management/Electronic Case Filing System (ECF) as indicated, this **21ST** day of **AUGUST**, 2008.

<input checked="" type="checkbox"/> CM/ECF <input type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Messenger	<u>ATTORNEYS FOR PT FERRO</u> Mr. William Kozol Rathbun, Kozel & Cservenyak 3260 Executive Drive Joliet, Illinois 60431
<input checked="" type="checkbox"/> CM/ECF <input type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Messenger	<u>Attorneys For Transystems Corp.</u> Mr. Scott Ruksakiati Vanek, Vickers & Masini PC 111 S. Wacker Dr., ste. 4050 Chicago, IL 60606
<input checked="" type="checkbox"/> CM/ECF <input type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Messenger	<u>Attorneys For CTE</u> Mr. Scott Smith Seyfarth Shaw LLP 131 South Dearborn St., Ste. 2400 Chicago, IL 60603-5577
<input checked="" type="checkbox"/> CM/ECF <input type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Messenger	<u>ATTORNEYS FOR D'CONST.</u> Ms. Camille Knight SmithAmundsen LLC 150 N. Michigan Avenue Suite 3300 Chicago, IL 60601
	By: <u>/s/ Frank P. Andreano</u> One of Plaintiff's Attorneys

Frank P. Andreano, ARDC 06202756
 Brumund, Jacobs, Hammel & Davidson LLC.
 Attorneys for ExxonMobil Mobil Corporation
 58 East Clinton, Ste. 200
 Joliet, IL 60432
 (815) 723-0628
 Email: fandreano@brumund-jacobs.com